

SPECIAL CITY COUNCIL MEETING  
OCTOBER 16, 1989

PRESENT

Ruth Hansen  
Wesley J. Bloomfield  
Gayle Bunker  
David Church  
Don Dafoe  
Rex T. Harris

Mayor  
Council Member  
Council Member  
Council Member  
Council Member  
Council Member

ABSENT

None

OTHERS PRESENT

Dorothy Jeffery  
Richard Waddingham  
Neil R. Hansen  
David Goff  
Richard Holm  
Roger Young  
Robert A. Dekker  
Ed Phillips  
Michael Styler  
Neil Forster  
Bryce Ashby  
Mike Halloran

City Recorder  
City Attorney  
Utah National Guard  
Utah National Guard  
Tumurru Trades Inc.  
Chief of Police  
Millard County Sheriff's Office  
Millard County Sheriff  
Millard County Commissioner  
Public Works Director  
Fire Chief  
KNAK Radio Station

Mayor Hansen called the meeting to order at 7:00 p.m. Dorothy Jeffery, City Recorder, acted as secretary. Mayor Hansen stated that notice of the meeting time, place and agenda was posted at the principal office of the governing body located at 76 North 200 West and was provided to the Millard County Chronicle/Progress, the local radio station, KNAK, and to each member of the City Council by personal delivery two days prior to the meeting.

MINUTES

The proposed minutes of a Special City Council Meeting held October 2, 1989, were presented for consideration and approval. The Council reviewed the minutes briefly, after which Council Member Wesley Bloomfield MOVED that the minutes be approved as presented. The motion was SECONDED by Council Member David Church. Mayor Hansen asked if there were any further comments or questions regarding the motion. There being none, she called for a vote. The motion passed unanimously.

ACCOUNTS PAYABLE

The Council reviewed the accounts payable, a list of which had been given to them two days prior to the meeting. Following a brief discussion of the accounts payable, Council Member David Church MOVED that the accounts payable be approved for payment as listed in the amount of \$17,190.42. The motion was SECONDED by Council Member Gayle Bunker. Mayor Hansen asked if there were any further comments or questions regarding the motion. There being none, she called for a vote. The motion passed unanimously.

OLD BUSINESSMAYOR RUTH HANSEN: CONTRACT LAW ENFORCEMENT PROPOSAL

Mayor Hansen asked for comments and discussion regarding the Contract Law Enforcement proposal between Delta City and Millard County.

Council Members expressed their concerns about the cost of contracting for full-time police protection, particularly in view of the rising cost of services in Fillmore.

Council Member Church asked if an increase in cost would occur after the first year of contractual service with Millard County; and, if so, what those costs would be.

Commissioner Styler said that as long as Delta City keeps the same level of service, cost of living increases and the cost of doing business would be the only increases in the contract amount. He said that Millard County would not charge more than what the actual costs would be.

Sheriff Phillips said that he would meet with the Council on a yearly basis to review cost figures and cost proposals for the coming year.

Council Member Don Dafoe commented that Oak City, Leamington and other outlying communities in Millard County receive law enforcement protection without contracting with Millard County for that service.

Sheriff Phillips said that Delta City receives the same level of service that the rest of Millard County receives for the amount of tax dollars spent.

Attorney Waddingham asked Sheriff Phillips if he meets with the Fillmore City Council on a yearly basis to discuss increases in Fillmore's law enforcement contract.

Sheriff Phillips said that he meets with the Fillmore City Council on a monthly basis but has not met with them on a yearly basis.

Fillmore City's contract fees were discussed. Sheriff Phillips said that the increases in Fillmore's contract have been due to the cost of doing business and salary increases.

Sheriff Phillips said at the yearly cost per deputy is approximately \$40,000 - \$42,000. The average salary per deputy is approximately \$23,000 - \$25,000. Benefits amount to 36% of the total, and the remainder of costs for vehicle maintenance, gasoline, training, etc.

Attorney Waddingham asked Sheriff Phillips to provide the Council with an actual breakdown of the costs included in the \$40,000 - \$42,000 per deputy, excluding salaries and benefits.

Sheriff Phillips asked the Council to provide him with a list of requested information and he would prepare that information for them.

Council Member Gayle Bunker said that he feels that Delta City's main concern is that Delta City receives the same amount of coverage that they are accustomed to for the money spent. He also said that if the Council decides to contract with Millard County for law enforcement services, it should be on a permanent basis.

Council Member David Church MOVED that Delta City pursue the negotiations of a contract with Millard County for law enforcement services. The motion was SECONDED by Council Member Rex Harris. Mayor Hansen asked if there were any comments or questions regarding the motion. There being none, she called for a vote. The motion passed unanimously.

Council Member David Church further MOVED to appoint Attorney Richard Waddingham, Council Member Don Dafoe and Council Member Rex Harris as a committee to negotiate with Millard County. The motion was SECONDED by Council Member Gayle Bunker. Mayor Hansen asked if there were any comments or questions regarding the motion. There being none, she called for a vote. The motion passed unanimously.

Possible Millard County committee members mentioned were Sheriff Ed Phillips, Attorney Warren Petersen, and one Millard County Commissioner.

#### NEW BUSINESS

#### NEIL HANSEN, UTAH NATIONAL GUARD: 1990 PROJECT REVIEW

Mayor Hansen recognized Neil Hansen of the Utah National Guard

and asked him to review with the the Council the Utah National Guard's proposed projects for 1990.

Mr. Hansen explained that he was representing D Company of the Utah National Guard, which is stationed in Mt. Pleasant, Utah. He then introduced Colonel David Goff, Commander of the 1457th Engineer Battalion.

Colonel Goff said that the Utah National Guard has previously trained in the Delta area and hopes to be able to in the future. He said that their Unit has equipment and manpower available to the City of Delta if they so desire.

Colonel Goff said that beginning November 18, 1989, their National Guard Unit will begin working on a shooting range located northeast of Delta.

Mayor Hansen thanked Mr. Goff and Mr. Hansen for their information.

RICHARD HOLM, TUMURRU TRADES: CLEAN-UP OF WHITE SAGE APARTMENT COMPLEX

Mayor Hansen asked Richard Holm, Tumurru Trades to address the Council regarding the clean-up of the White Sage Apartment Complex.

Mayor Hansen referred to the following letter from Richard Holm, Tumurru Trades, Inc., dated October 2, 1989:

Ms. Ruth Hansen, Mayor  
Delta City  
76 North 200 West  
Delta, Utah 84624

Dear Ms. Hansen:

Due to circumstances beyond our control, we have been unable to progress further at the White Sage Apartment site, other than to clean up the debris. I'm sorry the weeds haven't been taken care of yet, but we expect to have someone there to do it soon.

As we discussed at our meeting with you in August, we would like to get the city's permission to leave the foundation structures and utility lines in place. Although they may not exactly match the future buildings, they can be modified to do so at a considerable cost savings over installing new foundations.

Our investigations do show a potential need for new housing in your area. However, as you indicate, it may not materialize for several years.

Please consider this request and let me know what you will require of us to leave the foundations and utility lines in place. We are willing to spray the weeds periodically and do more cleanup of the area to keep the site looking better.

Sincerely,  
Richard L. Holm, President  
Tumurru Trades, Inc.

Mayor Hansen then asked Richard Holm to address the Council.

Mr. Holm explained that Tumurru Trades, Inc. entered in to a purchase agreement with Intermountain Power Agency (IPA) for the White Sage Apartments. In that purchase agreement, Tumurru Trades, Inc., is required to comply with the Annexation Agreement between IPA and Delta City.

Mr. Holm said that all of the modular units have been removed from the site. He then requested Council's permission to leave the foundations in place for a period of time in order to allow for future development.

Council Member Don Dafoe asked what guarantee Delta City has that Tumurru Trades, Inc. will uphold their agreement for future development.

Mr. Holm said that Tumurru Trades, Inc., has hopes of locating industry to Delta for which they could then provide housing at the White Sage location using the existing foundations and utility lines.

Mayor Hansen reminded the Council that in a Regular City Council Meeting held October 24, 1988, the Council authorized an extension of the compliance date of October 1988 in the Annexation Agreement to October 31, 1989.

Public Works Director Neil Forster expressed concern regarding the water, sewer and power lines in that area.

Different options were presented and discussed regarding maintenance and/or removal of the foundations, power, water and sewer lines. However, Vincent Crawford, Utah Power & Light Co., said that the more changes made to the original system or structure, the less compatible the power, water and sewer become because they are designed for a specific configuration.

The Annexation Agreement between Intermountain Power Agency (IPA) and Delta City was discussed at length. Gordon Shipley,

representative of IPA, said that Delta City has an agreement with IPA not Tumurru Trades. However, IPA accepted a proposal from Tumurru Trades, Inc. for the purchase of the buildings. The proposal contains a provision whereby IPA would deed to Tumurru Trades, Inc., the land associated with all 38 buildings in exchange for Tumurru Trades, Inc. assuming IPA's obligations under the Annexation Agreement.

It was also noted that the purchase agreement required Tumurru Trades, Inc., to post a performance bond in the amount of \$80,000 with IPA to assure that the conditions of the Annexation Agreement are met.

Mr. Shipley said that IPA will take under advisement whatever is decided upon between Delta City and Tumurru Trades, Inc. and then make an agreement with Tumurru Trades, Inc.

Following discussion, Council Member Gayle Bunker MOVED to extend the agreement with IPA to remove foundations in the White Sage Apartment area to August 1, 1990, under the condition that all debris and weeds are removed, a soil sterilant is put on the ground, the entire area fenced and the water and sewer lines are taken care of so that they are not a problem to Delta City, prior to December 1, 1989. However, if the aforementioned conditions are not completed, an agreement will not be extended. The motion was SECONDED by Council Member Don Dafoe. Mayor Hansen asked if there were any comments or questions regarding the motion. There being none, she called for a vote. The motion passed unanimously.

CITY RECORDER DOROTHY JEFFERY: DELTA CITY YOUTH COUNCIL ELECTION RESULTS

This item was not presented.

CITY RECORDER DOROTHY JEFFERY/GARY ROSE, DCYC MAYOR: ADOPTION OF DELTA CITY YOUTH COUNCIL CHARTER

This item was not presented.

MAYOR RUTH HANSEN: ARTICLES OF INCORPORATION OF THE SIX COUNTY ASSOCIATION OF GOVERNMENTS

Mayor Hansen presented for Council's approval "Articles of Incorporation of the Six County Association of Governments".

Following brief discussion, Council Member David Church MOVED to approve the "Articles of Incorporation of the Six County Association of Governments" as presented. The motion was SECONDED by Council Member Rex Harris. Mayor Hansen asked if there were any further comments or questions regarding the motion. There being none, she called for a vote. The motion passed unanimously.

ATTORNEY RICHARD WADDINGHAM: PROPOSED ORDINANCE AMENDING SECTION 13-605-5 OF THE REVISED ORDINANCES OF DELTA CITY (1981 EDITION), AS AMENDED, ENTITLED "ISSUING BAD CHECK - PRESUMPTION"

Mayor Hansen asked Attorney Richard Waddingham to present a proposed ordinance regarding payment of bad checks.

Attorney Waddingham presented a proposed ordinance entitled:

ORDINANCE NO. 89-120

AN ORDINANCE AMENDING SECTION 13-650-5 OF THE REVISED ORDINANCES OF DELTA CITY (1981 edition), AS AMENDED, ENTITLED "ISSUING BAD CHECK - PRESUMPTION", ENACTING A NEW SUBSECTION ALLOWING A PERSON ACCUSED OF ISSUING A BAD CHECK OR DRAFT FOURTEEN DAYS IN WHICH TO MAKE PAYMENT TO THE PAYEE UPON RECEIVING ACTUAL NOTICE THAT SAID CHECK OR DRAFT HAS BEEN LEGALLY REFUSED.

Following brief discussion, Council Member Wesley Bloomfield MOVED to adopt Ordinance 89-120 as presented. The motion was SECONDED by Council Member David Church. Mayor Hansen asked if there were any questions or comments regarding the motion. There being none, she called for a roll call vote. The voting was as follows:

Council Member Wesley Bloomfield	Yes
Council Member Gayle Bunker	Yes
Council Member David Church	Yes
Council Member Don Dafoe	Yes
Council Member Rex Harris	Yes

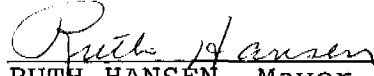
Mayor Hansen then signed the ordinance and it was attested by City Recorder Dorothy Jeffery.


OTHER BUSINESS

Attorney Waddingham reported that he and Public Works Director Neil Forster have researched and found that Delta City does have property to foreclose if Bob Pendray does not make the improvements agreed to in a Regular City Council Meeting held April 10, 1989.

Council Member Wesley Bloomfield recommended that while Delta City is negotiating contract law enforcement services with Millard County, Chief Roger Young prepare a rotating shift schedule that should include himself. The schedule should also indicate the hours each day that are not covered with police protection. Chief Young should present a schedule at the next Regular City Council Meeting.

Mayor Hansen asked if there were any further comments, questions or items to be discussed. There being none, Council Member Don Dafoe MOVED to adjourn. The motion was SECONDED by Council Member David Church. Mayor Hansen asked if there were any further comments or questions regarding the motion. There being none, she called for a vote. The motion passed unanimously. Mayor Hansen declared the meeting adjourned at 8:30 p.m.

  
RUTH HANSEN, Mayor

  
DOROTHY JEFFERY  
Delta City Recorder

MINUTES APPROVED: RCCM 11-13-89